RECENT CASES.

BANKRUPTCY—ALIMONY—EFFECT UPON—IN RE NOWELL, 99 Fed. Rep. 930.—*Held*, arrears in alimony upon which execution had not issued, did not in Massachusetts constitute a probable debt which a discharge in bankruptcy would bar. This is because its susceptibility to modification prevents its being a fixed, absolute liability. *Kerr* v. *Kerr* (1897) 2 Q. B. 439; *In re Lachemeyer*, Fed. Cas. No. 7966; *In re Shepard*, 97 Fed. 187; contra, *In re Houston* (D. C.) 94 Fed. 119, following the Kentucky law; *In re Van Orden* (D. C.) 96 Fed. 86, following New Jersey law, and *In re Challoner*, 98 Fed. 82, the law in Illinois.

BILLS AND NOTES—INNOCENT PURCHASERS—WRITTEN INSTRUMENT—DENIAL OF EXECUTION—WARMAN ET AL. v. FIRST NATIONAL BANK OF AKRON, OHIO, 57 N. E. 6 (Ill.).—The bank discounted two notes for appellant and gave credit to the payees thereon. In an action by the bank to recover it was *held*, that in order to prove that a bank discounting a note is an innocent purchaser, it is not enough to show that the proceeds were placed in the payee's credit, by way of deposit, but it must also be shown that the payee was not indebted to the bank at the time, and that he has not since then and before notice to the bank of the defenses to the note, withdrawn his account. Magruder, J., dissenting.

That the bank had possession of the notes was prima facie sufficient proof that it had acquired them bona fide for value, in the usual course of business. *Palmer* v. *Bank*, 78 Ill. 380. Possession of the notes indorsed in bank by the payee was prima facie evidence that the bank was their proper owner, and nothing short of fraud would have sufficed to overcome the effect of such evidence, or invalidate the title thus shown. *Collins* v. *Gilbert*, 94 U. S. 753.

CONSTITUTIONAL LAW—DUE PROCESS—ORDINANCE AS TO LICENSE FOR SALE OF CIGARETTES—DISCRETION OF MAYOR—GUNDLING v. CITY OF CHICAGO, 20 Supt. Ct. Rep. 633.—The city of Chicago passed an ordinance regulating the sale of cigarettes and imposing a license tax of $100, the fitness of the applicant to be determined by the mayor. Plaintiff was convicted for selling without a license.

Held, not to be a violation of the 14th amendment requiring due process of law, the power of the mayor was discretional and not arbitrary as in *Yick Wo* v. *Hopkins*, 118 U. S. 356, and that also whether a license fee of $100 partook of an excise tax or not, it violates no provision of the Federal Constitution, and was authorized by State.

CONSTITUTIONAL LAW—PERSONAL LIBERTY—ADVERTISING BUSINESS—USE OF FLAG—RUHSTRAT v. PEOPLE, 57 N. E. 41 (Ill.).—The Act April 22, 1899 (Ill), prohibited the use of the national flag for any commercial purposes, or as an advertising medium, and plaintiff was convicted for violation of that act and brings error. *Held*, the act was unconstitutional. Cartwright, C. J., Wilkins and Carter, J. J., dissenting. See Comment.

CONSTITUTIONAL LAW — SUNDAY LABOR—CLASS LEGISLATION—PETET v. STATE OF MINNESOTA, 20 Supt. Rep. 666.—The State of Minnesota passed a statute forbidding all labor on Sunday except such as was of charity or necessity, and further provided that keeping open barber shops on Sunday was not to be deemed within the exceptions. Under this, plaintiff was tried and convicted for keeping open on Sunday. *Held*, such act was valid, being within